THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19742 of 2006

25.9.2006

Between:

Mohd. Ayub Ali, S/o.Mohd. Khasim Ali

… Petitioner

AND

The Central Power Distribution Company of A.P.Limited (APCPDCL), Represented by its Divisional Engineer (Assessments)

… Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

The petitioner is availing power supply from the respondent with Service Connection No.B1 007716, A.C.No.110602 and paying the bills regularly. In the bill dated 14.8.2006, it was shown that apart from the current consumption charges the petitioner is required to pay arrears to a tune of Rs.34,967/-. Aggrieved by the same, the present writ petition is filed.

The matter was initially heard on 22.9.2006. It was brought to the notice of this Court that Condition 14.6 of General Terms & Conditions of Supply (GTCS) formulated by the respondent deals with billing complaints. Therefore, the learned Counsel for the petitioner sought time. Today, when the case is called, learned Counsel for the petitioner is absent.

Learned Standing Counsel for respondent submits that every consumer has right to lodge complaint about non-receipt of electricity bill or receipt of erroneous bill to the designated Officer and that the petitioner has not made such complaint.

A.P. Electricity Regulatory Commission, in exercise of their powers under Section 50 of the Electricity Act, 2003, has promulgated A.P. Electricity Regulatory Commission (Electricity Supply Code) Regulation 2004 (hereafter called, Electricity Supply Code). Regulation 4.7 reads as under.

4.7 Erroneous/Disputed Bills:

4.7.1 The consumer shall make the full payment of the electricity bill amount:

Provided that the supply of electricity shall not be cut off if such consumer deposits, under protest –

a) an amount equal to the sum claimed from him, or

b) the electricity charges due from him for each month calculated on the basis of average of amounts for electricity paid by him during the preceding six months, whichever is less, pending disposal of any dispute raised by the consumer on the bills.

4.7.2 The Licensee shall normally resolve the billing disputes as per the standards of performance notified by the Commission under Section 57(1) of the Act, failing which the consumer shall be entitled for compensation as prescribed by the Commission under Section 57(2) of the Act, without prejudice to his right to seek relief through the Forum for redressal of grievances of consumers under Section 42(5) of the Act.

4.7.3 On examination of the complaint, if the licensee finds the bill to be erroneous, a revised bill shall be given to the consumer indicating a revised due date of payment, which should be fixed not earlier than seven days from the date of delivery of the revised bill to the consumer. If the consumer has paid any excess amount, it shall be refunded by way of adjustment in the subsequent bills. The licensee shall pay to the consumer interest charges at 24% per annum on the excess amount outstanding on account of such wrong billing.

4.7.4 If the Licensee finds the bills to be correct, the consumer shall be intimated accordingly and notified to pay the amount with additional charges for belated payment from the due date.

As noticed herein above, condition 14.6 of GTCS also deals with billing complaints, which reads as under.

14.6 Billing Complaints including Change of Category

14.6.1 Complaints in respect of non-receipt of electricity bills or receipt of erroneous bills shall be lodged by the consumer/his authorized representative in the office specified in the Designated Officers' Notification giving the details of name, address, consumer number and brief description of the complaint. The complaint shall be lodged by the consumer in writing.

14.6.2 The Designated Officer shall resolve the billing complaints within the timeframe specified in the 'Standard of Performance' Regulation.

Therefore, at this stage, it may not be proper for this Court to adjudicate the question whether the bill was erroneous or not. This is essentially a question of fact, which can be resolved by the Designated Officers as per Condition 4.7 read with Condition 14.6 of GTCS. Therefore, the petitioner is given liberty to approach the Designated Officer for lodging bill complaints i.e., Superintending Engineer concerned. As and when such application is made, the said Designated Officer shall dispose of the matter expeditiously.

The writ petition, with the above observations, is accordingly

disposed of. No costs.

(**V.V.S.RAO,J**)

September 25, 2006.
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